

BILL NO. G-94-02-06 (AS AMENDED)

GENERAL ORDINANCE NO. D. L. L.

AN ORDINANCE OF THE COMMON COUNCIL OF THE
CITY OF FORT WAYNE, INDIANA ELIMINATING
SMOKING IN WORKPLACES AND ENCLOSED PUBLIC
PLACES.

WHEREAS, numerous studies have found that tobacco smoke is a major contributor to indoor pollution, and that breathing secondhand smoke is a cause of disease, including lung cancer in non-smokers; and

WHEREAS, people at special risk to secondhand smoke are the elderly, individuals with cardiovascular disease, and individuals with impaired respiratory function, including asthmatics and those with obstructed airway disease; and

WHEREAS, health hazards induced by breathing secondhand smoke include lung cancer, heart disease, respiratory infection, decreased respiratory function, bronchoconstriction, and bronchospasm; and

WHEREAS, the Fort Wayne Common Council finds and declares that the purposes of this ordinance are: 1). to protect the public health and welfare by prohibiting smoking in public places and places of employment; and 2). to guarantee the right of nonsmokers to breathe smokefree air, and to recognize that the need to breathe smokefree air shall have priority over the desire to smoke.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That current Secs. 94.01 and 113.52 of the Fort Wayne Municipal Code are hereby repealed.

SECTION 2. That Chapter 95 of the Municipal Code of the City of Fort Wayne, Indiana is hereby amended by adding the following language:

**"REGULATION OF SMOKING IN WORKPLACES AND
ENCLOSED PUBLIC PLACES.**

Sec. 95.58 Definitions. As used in this chapter, the following terms have the meanings indicated unless the content clearly requires otherwise:

"Business" means any sole proprietorship, partnership, joint venture, corporation, or other business entity formed for profit-making purposes, including retail establishments where goods or services are sold as well as professional corporations and other entities where legal, medical, dental, engineering, architectural, or other professional services are delivered.

1 **"Employee"** means any person who is employed by any
2 employer in the consideration for direct or indirect
3 monetary wages or profit, and any person who volunteers
his or her services for a non-profit entity.

4 **"Employer"** means any person, partnership, corporation,
5 including a municipal corporation, or non-profit entity
6 who employs the services of one or more individual
persons.

7 **"Enclosed area"** means all space between a floor and
8 ceiling which is enclosed on all sides by solid walls or
9 windows (exclusive of door or passageways) which extend
10 from the floor to the ceiling, including all space
therein screened by partitions which do not extend to the
ceiling or are not solid, "office landscaping," or
similar structures.

11 **"Place of employment"** means any enclosed area under the
12 control of a public or private employer which employees
13 normally frequent during the course of employment,
14 including but not limited to work areas, employee lounges
and restrooms, conference and classrooms, employee
cafeterias, and hallways. A private residence is not a
"place of employment" unless it is used as a child care
or health care facility.

15 **"Public Place"** means any enclosed indoor area or vehicle
16 used by and open to, the public regardless of whether
17 such building or vehicle is owned in whole or in part by
18 a private person or entities or by the City of Fort Wayne
19 or other public entity, and regardless whether a fee is
20 charged for admission to the place. It includes, but is
21 not limited to: elevators, public conveyances, museums,
22 concert halls, theaters, hallways, auditoriums,
exhibition halls, indoor sports arenas, bowling centers,
hospitals, nursing homes, medical, dental, or health care
facilities, enclosed shopping centers, retail stores,
retail service establishments, financial institutions,
educational facilities, public meetings or hearings,
public transportation facilities, ticket areas, public
restrooms, libraries, restaurants, waiting areas, lobbies
and reception areas.

23 **"Restaurant"** means any coffee shop, cafeteria, sandwich
24 stand, private or public school cafeteria, and any other
25 eating establishment which gives or offers for sale food
26 to the public, guests or employees, as well as kitchens
in which food is prepared on the premises for serving
elsewhere, including catering facilities.

27 **"Retail Tobacco Store"** means a retail store utilized
28 primarily for the sale of tobacco products and
accessories and in which the sale of other products is
merely incidental.

29 **"Smoke or smoking"** means inhaling, exhaling, burning, or
30 carrying any lighted pipe, cigar, cigarette, weed, or any
31 other lighted smoking material.

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2 **"Sports Arena"** means sports pavilions, gymnasiums, health
3 spas, boxing arenas, swimming pools, roller and ice
4 rinks, bowling alleys, and other similar places where
members of the general public assemble either to engage
in physical exercise, participate in athletic
competition, or witness sports events.

5 **"Tavern"** means an establishment which serves alcoholic
6 beverages and:

- 7 1). has greater gross sales in alcoholic beverages
than food each year; or
- 8 2). owns an alcoholic beverage permit and grosses
less than one hundred thousand dollars
(\$100,000) from the sale of food each year.

9 **Sec. 95-59 Application of Article to City-Owned Facilities.**

10 All enclosed facilities owned by the City of Fort Wayne
11 shall be subject to the provisions of this article.

12 **Sec. 95-60 Prohibition of Smoking in Public Places and the
Fort Wayne Children's Zoo.**

13 A). Smoking shall be prohibited in all enclosed public
14 places within the City of Fort Wayne, Indiana,
including but not limited to the following places:

- 15 1). Elevators
- 16 2). Buses, taxicabs, and other means of public
transit.
- 17 3). Restrooms.
- 18 4). Service lines.
- 19 5). Retail stores.
- 20 6). All areas available to the general public
without express invitation or permission in all
businesses and non-profit entities.
- 21 7). Restaurants.
- 22 8). Public areas of aquariums, galleries,
libraries, and museums when open to the
public.
- 23 9). Any facility which is primarily used for
exhibiting any motion picture, stage, drama,
lecture, musical recital, or other similar
performance, except when smoking is part of a
stage production.
- 24 10). Sports arenas and convention halls.
- 25 11). Every room, chamber, place of meeting or
public assembly, including school buildings,
under the control of any board, council,
commission, committee, including joint
committees, or agencies of the City or any
political subdivision of the State during such
time as a public meeting is in progress, to
the extent such place is subject to the
jurisdiction of the City.
- 26 12). Waiting rooms, hallways, wards and semiprivate
rooms of health facilities, including but not
limited to hospitals, clinics, physical
therapy facilities, doctors' offices, and
dentists' offices.

13). Lobbies, hallways and other common areas in apartment buildings, condominiums, retirement facilities, nursing homes, and other multiple-unit residential facilities.

14). Lobbies, hallways, and other common areas in multiple-unit commercial facilities.

15). Polling places.

B). Smoking shall be prohibited at all times in all areas of the Fort Wayne Children's Zoo.

Sec. 95-61 Regulation of Smoking in Places of Employment.

A). It shall be the responsibility of employers to provide a smokefree workplace for all employees.

B). Within 90 days of the effective date of this ordinance, each employer having an enclosed place of employment located within the city shall adopt, implement, make known, and maintain a written smoking policy which shall contain the following requirements:

Smoking shall be prohibited in all enclosed facilities within a place of employment without exception. This includes common work areas, auditoriums, classrooms, conference and meeting rooms, private offices, elevators, hallways, medical facilities, cafeterias, employee lounges, stairs, restrooms, vehicles, and all other enclosed facilities.

C). The smoking policy shall be communicated to all employees within three (3) weeks of its adoption.

D). All employers shall supply a written copy of the smoking policy upon request to any existing or prospective employee.

E). An employer may establish a designated smoking area providing that such area:

1). Shall be completely enclosed and separated from the remainder of the building by solid walls and ceiling and a closable door. The walls shall tightly join the floor and ceiling,

2). Is not a work area, and

3). Is not an area non-smoking employees would ordinarily or necessarily occupy in the course of a day.

Sec. 95-62 Where Smoking Not Regulated.

A). Notwithstanding any other provision of this ordinance to the contrary, the following areas shall not be subject to the smoking restrictions of this ordinance:

1). Private residences, except when used as a child care or health care facilities.

2). Retail tobacco shops.

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2 3). Restaurant, hotel and motel conference rooms
3 or meeting rooms, and public and private
4 assembly rooms while these places are being
5 used for private functions.

6 4). All hotel and motel guest rooms or suites.

7 5). Those areas of restaurants, bars, or taverns
8 only accessible to adults 18 yrs of age and
9 older, and which areas must be enclosed and
10 separated from other portions of said
11 restaurants, bars or taverns by solid walls
12 and ceiling and a closable door. The walls
13 shall tightly join the floor and ceiling.

14 B). Notwithstanding any other provision of this
15 section, any owner, operator, manager, or other
16 person who controls any establishment described in
17 this section may declare a portion of, or the
18 entire establishment, as a non-smoking
19 establishment.

20 C). With the exception of private residences, the owner
21 of any business where any portion of the building
22 is specifically not regulated under (Sec. 95-62 of
23 this ordinance) shall post a sign informing the
24 public that smoking is permitted in the entire
25 establishment, or in a portion of the
26 establishment. The sign shall further state that
27 second hand smoke has been determined by the
28 U.S.E.P.A. to be a class A carcinogen which may
29 cause lung cancer, and that second hand smoke has
30 been determined to cause respiratory diseases in
31 children and adults.

32 D). To the extent that any sections of this ordinance
conflict with any state or federal statute or
regulation or with any regulation of the Fort Wayne
Fire Department, this section shall not apply.

33 Sec. 95-63 Posting of Signs.

34 A). "No Smoking" signs or the international "No
35 Smoking" symbol (consisting of a pictorial
36 representation of a burning cigarette enclosed in a
37 red circle with a red bar across it) shall be
38 clearly, sufficiently, and conspicuously posted in
39 every building or other place where smoking is
40 regulated by this ordinance, by the owner,
41 operator, manager, or other person having control
42 of such building or other place.

43 B). Every restaurant shall have posted at every
44 entrance a conspicuous sign clearly stating that
45 smoking is prohibited subject to the exception set
46 forth in paragraph (c) below

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- C). With the exception of private residences, the owner of any business where any portion of the building is specifically not regulated under (Sec. 95-62 of this ordinance) shall post a sign informing the public that smoking is permitted in the entire establishment, or in a portion of the establishment. The sign shall further state that second hand smoke has been determined by the U.S.E.P.A. to be a class A carcinogen which may cause lung cancer, and that second hand smoke has been determined to cause respiratory diseases in children and adults.

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Sec. 95-64 Enforcement

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- A). Enforcement of this ordinance shall be implemented by the Fort Wayne-Allen County Board of Health, the Fort Wayne Fire Department, and all other City and County governmental agencies responsible for building inspections, which board and/or departments shall certify in writing that any establishment being inspected is complying with the terms of the ordinance.
- B). Any citizen who desires to register a complaint under this ordinance may initiate enforcement with the Fort Wayne-Allen County Board of Health or the Fort Wayne Fire Department.
- C). The Fort Wayne Fire Department or the Fort Wayne-Allen County Board of Health shall require, while an establishment is undergoing otherwise mandated inspections, a written "self-certification" from the owner, manager, operator, or other person having control of such establishment that it has complied with all requirements of this ordinance.
- D). Any owner, manager, operator, or employee of any establishment regulated by this ordinance shall inform persons violating this ordinance of the appropriate provisions thereof.

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Sec. 95-64 Violations and Penalties

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- A). It shall be unlawful for any person who owns, manages, operates, or otherwise controls the use of any premises subject to regulation under this article to fail to comply with any of its provisions.

1 B). Any person who violates any provision of this
2 ordinance shall be guilty of an infraction,
punishable by:

- 3 1). A fine not to exceed one hundred dollars
(\$100) for a first violation.
4 2). A fine not to exceed two hundred dollars
(\$200) for a second violation of this
5 ordinance within one (1) year.
6 3). A fine not to exceed five hundred dollars
(\$500) for each additional violation of this
ordinance within one (1) year.

7 **Sec. 95-65 Nonretaliation**

8 No person or employer shall discharge, refuse to hire, or in
9 any manner retaliate against any employee or applicant for
10 employment because such employee or applicant exercises any
right to a smokefree environment afforded by this ordinance.

11 **Sec. 95-66 Public Education**

12 The Fort Wayne-Allen County Board of Health shall engage in a
13 continuing program to explain and clarify the purposes and
14 requirements of this ordinance to citizens affected by it, and
to guide owners, operators, and managers in their compliance
15 with it. Such program may include publication of a brochure
for affected businesses and individuals explaining the
provisions of this ordinance.

16 **Sec. 95-67 Other Applicable Laws**

17 This ordinance shall not be interpreted or construed to permit
18 smoking where it is otherwise restricted by other applicable
laws."

19 **Sec. 95-68 Severability**

20 If any provision, clause, sentence, or paragraph or this
21 ordinance or the application thereof to any person or
22 circumstances shall be held invalid, such invalidity shall not
23 affect the other provisions of this article which can be given
effect without the invalid provision or application, and to
this end the provisions of this article are declared to be
severable.

24 SECTION 3. That this Ordinance shall be in full force
25 and effect July 31st, 1994, from and after its passage and any
26 and all necessary approval by the Mayor, and its legal
publication.

27 
COUNCILMEMBER

28
29 APPROVED AS TO FORM
30 AND LEGALITY.
31
32

Stanley A. Levine
Legal Advisor to
Fort Wayne Common Council

BILL NO. G-94-02-06

GENERAL ORDINANCE NO. _____

AN ORDINANCE OF THE COMMON COUNCIL OF THE
CITY OF FORT WAYNE, INDIANA ELIMINATING
SMOKING IN WORKPLACES AND ENCLOSED PUBLIC
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WHEREAS, numerous studies have found that tobacco smoke is a major contributor to indoor pollution, and that breathing secondhand smoke is a cause of disease, including lung cancer in non-smokers; and

WHEREAS, people at special risk to secondhand smoke are the elderly, individuals with cardiovascular disease, and individuals with impaired respiratory function, including asthmatics and those with obstructed airway disease; and

WHEREAS, health hazards induced by breathing secondhand smoke include lung cancer, heart disease, respiratory infection, decreased respiratory function, bronchoconstriction, and bronchospasm; and

WHEREAS, the Fort Wayne Common Council finds and declares that the purposes of this ordinance are: 1). to protect the public health and welfare by prohibiting smoking in public places and places of employment; and 2). to guarantee the right of nonsmokers to breathe smokefree air, and to recognize that the need to breathe smokefree air shall have priority over the desire to smoke.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That current Secs. 94.01 and 113.52 of the Fort Wayne Municipal Code are hereby repealed.

SECTION 2. That Chapter 95 of the Municipal Code of the City of Fort Wayne, Indiana is hereby amended by adding the following language:

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2 "Employee" means any person who is employed by any
3 employer in the consideration for direct or indirect
4 monetary wages or profit, and any person who volunteers
his or her services for a non-profit entity.

5 "Employer" means any person, partnership, corporation,
6 including a municipal corporation, or non-profit entity
who employs the services of one or more individual
persons.

7 "Enclosed area" means all space between a floor and
8 ceiling which is enclosed on all sides by solid walls or
9 windows (exclusive of door or passageways) which extend
10 from the floor to the ceiling, including all space
therein screened by partitions which do not extend to the
ceiling or are not solid, "office landscaping," or
similar structures.

11 "Place of employment" means any enclosed area under the
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including but not limited to work areas, employee lounges
14 and restrooms, conference and classrooms, employee
cafeterias, and hallways. A private residence is not a
15 "place of employment" unless it is used as a child care
or health care facility.

16 "Public Place" means any enclosed indoor area or vehicle
17 used by and open to, the public regardless of whether
such building or vehicle is owned in whole or in part by
18 a private person or entities or by the City of Fort Wayne
or other public entity, and regardless whether a fee is
19 charged for admission to the place. It includes, but is
not limited to: elevators, public conveyances, museums,
20 concert halls, theaters, hallways, auditoriums,
exhibition halls, indoor sports arenas, bowling centers,
21 hospitals, nursing homes, medical, dental, or health care
facilities, enclosed shopping centers, retail stores,
22 retail service establishments, financial institutions,
educational facilities, public meetings or hearings,
23 public transportation facilities, ticket areas, public
restrooms, libraries, restaurants, waiting areas, lobbies
and reception areas.

24 "Restaurant" means any coffee shop, cafeteria, sandwich
25 stand, private or public school cafeteria, and any other
eating establishment which gives or offers for sale food
26 to the public, guests or employees, as well as kitchens
in which food is prepared on the premises for serving
27 elsewhere, including catering facilities.

28 "Retail Tobacco Store" means a retail store utilized
29 primarily for the sale of tobacco products and
accessories and in which the sale of other products is
merely incidental.

30 "Smoke or smoking" means inhaling, exhaling, burning, or
31 carrying any lighted pipe, cigar, cigarette, weed, or any
other lighted smoking material.
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2 "Sports Arena" means sports pavilions, gymnasiums, health
3 spas, boxing arenas, swimming pools, roller and ice
4 rinks, bowling alleys, and other similar places where
5 members of the general public assemble either to engage
6 in physical exercise, participate in athletic
7 competition, or witness sports events.

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10 All enclosed facilities owned by the City of Fort Wayne
11 shall be subject to the provisions of this article.

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13 Sec. 95-60 Prohibition of Smoking in Public Places and the
14 Fort Wayne Children's Zoo.

15 A). Smoking shall be prohibited in all enclosed public
16 places within the City of Fort Wayne, Indiana,
17 including but not limited to the following places:

- 18 1). Elevators
- 19 2). Buses, taxicabs, and other means of public
20 transit, and ticket, boarding and waiting
21 areas of public transit depots.
- 22 3). Restrooms.
- 23 4). Service lines.
- 24 5). Retail stores.
- 25 6). All areas available to and customarily used by
26 the general public in all businesses and non-
27 profit entities patronized by the public,
28 including but not limited to offices, banks,
29 laundromats, hotels, and motels.
- 30 7). Restaurants.
- 31 8). Public areas of aquariums, galleries,
32 libraries, and museums when open to the
public.
- 9). Any facility which is primarily used for
exhibiting any motion picture, stage, drama,
lecture, musical recital, or other similar
performance, except when smoking is part of a
stage production.
- 10). Sports arenas and convention halls.
- 11). Every room, chamber, place of meeting or
public assembly, including school buildings,
under the control of any board, council,
commission, committee, including joint
committees, or agencies of the City or any
political subdivision of the State during such
time as a public meeting is in progress, to
the extent such place is subject to the
jurisdiction of the City or any other
political subdivision of the State.
- 12). Waiting rooms, hallways, wards and semiprivate
rooms of health facilities, including but not
limited to hospitals, clinics, physical
therapy facilities, doctors' offices, and
dentists' offices.
- 13). Lobbies, hallways and other common areas in
apartment buildings, condominiums, retirement
facilities, nursing homes, and other multiple-
unit residential facilities.
- 14). Lobbies, hallways, and other common areas in
multiple-unit commercial facilities.
- 15). Polling places.

- 1
2 B). Smoking shall be prohibited at all times in all
3 areas of the Fort Wayne Children's Zoo.

4 Sec. 95-61 Regulation of Smoking in Places of Employment.

- 5 A). It shall be the responsibility of employers to
6 provide a smokefree workplace for all employees,
but employers are not required to incur any expense
to make structural or other physical modifications.

- 7 B). Within 90 days of the effective date of this
8 ordinance, each employer having an enclosed place
9 of employment located within the city shall adopt,
10 implement, make known, and maintain a written
smoking policy which shall contain the following
requirements:

11 Smoking shall be prohibited in all enclosed
12 facilities within a place of employment without
exception. This includes common work areas,
13 auditoriums, classrooms, conference and meeting
14 rooms, private offices, elevators, hallways,
medical facilities, cafeterias, employee lounges,
stairs, restrooms, vehicles, and all other enclosed
facilities.

- 15 C). The smoking policy shall be communicated to all
16 employees within three (3) weeks of its adoption.

- 17 D). All employers shall supply a written copy of the
18 smoking policy upon request to any existing or
prospective employee.

19 Sec. 95-62 Where Smoking Not Regulated.

- 20 A). Notwithstanding any other provision of this
21 ordinance to the contrary, the following areas
shall not be subject to the smoking restrictions of
this ordinance:

- 22 1). Private residences, except when used as a
23 child care or health care facilities.
24 2). Retail tobacco shops.
25 3). Restaurants, hotel and motel conference rooms
or meeting rooms, and public and private
assembly rooms while these places are being
used for private functions.
26 4). All hotel and motel guest rooms or suites.

- 27 B). Notwithstanding any other provision of this
28 section, any owner, operator, manager, or other
person who controls any establishment described in
this section may declare a portion of, or the
29 entire establishment, as a non-smoking
30 establishment.
31
32

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2 Sec. 95-63 Posting of Signs.

- 3 A). "No Smoking" signs or the international "No
4 Smoking" symbol (consisting of a pictorial
5 representation of a burning cigarette enclosed in a
6 red circle with a red bar across it) shall be
7 clearly, sufficiently, and conspicuously posted in
8 every building or other place where smoking is
9 regulated by this ordinance, by the owner,
10 operator, manager, or other person having control
11 of such building or other place.
12 B). Every restaurant shall have posted at every
 entrance a conspicuous sign clearly stating that
 smoking is prohibited.
13 C). With the exception of private residences, the owner
 must post a sign informing the public that smoking
 is permitted in that establishment or private
 meeting room, which sign shall recite the Surgeon
 General's warning as to the health hazards of
 smoking to non-smokers.

14 Sec. 95-64 Enforcement

- 15 A). Enforcement of this ordinance shall be implemented
16 by the Fort Wayne-Allen County Board of Health, the
17 Fort Wayne Fire Department, and all other City and
18 County governmental agencies responsible for
19 building inspections, which board and/or
20 departments shall certify in writing that any
21 establishment being inspected is complying with the
22 terms of the ordinance.
23 B). Any citizen who desires to register a complaint
24 under this ordinance may initiate enforcement with
25 the Fort Wayne-Allen County Board of Health or the
26 Fort Wayne Fire Department.
27 C). The Fort Wayne Fire Department or the Fort Wayne-
28 Allen County Board of Health shall require, while
29 an establishment is undergoing otherwise mandated
30 inspections, a written "self-certification" from
31 the owner, manager, operator, or other person
32 having control of such establishment that it has
 complied with all requirements of this ordinance.
 D). Any owner, manager, operator, or employee of any
 establishment regulated by this ordinance shall
 inform persons violating this ordinance of the
 appropriate provisions thereof.

33 Sec. 95-64 Violations and Penalties

- 34 A). It shall be unlawful for any person who owns,
35 manages, operates, or otherwise controls the use of
36 any premises subject to regulation under this
37 article to fail to comply with any of its
38 provisions.

1 B). Any person who violates any provision of this
2 ordinance shall be guilty of an infraction,
punishable by:

3 1). A fine not to exceed one hundred dollars
(\$100) for a first violation.

4 2). A fine not to exceed two hundred dollars
(\$200) for a second violation of this
5 ordinance within one (1) year.

6 3). A fine not to exceed five hundred dollars
(\$500) for each additional violation of this
ordinance within one (1) year.

7 **Sec. 95-65 Nonretaliation**

8 No person or employer shall discharge, refuse to hire, or in
9 any manner retaliate against any employee or applicant for
10 employment because such employee or applicant exercises any
right to a smokefree environment afforded by this ordinance.

11 **Sec. 95-66 Public Education**

12 The Fort Wayne-Allen County Board of Health shall engage in a
13 continuing program to explain and clarify the purposes and
14 requirements of this ordinance to citizens affected by it, and
15 to guide owners, operators, and managers in their compliance
with it. Such program may include publication of a brochure
for affected businesses and individuals explaining the
provisions of this ordinance.

16 **Sec. 95-67 Other Applicable Laws**

17 This ordinance shall not be interpreted or construed to permit
18 smoking where it is otherwise restricted by other applicable
laws."

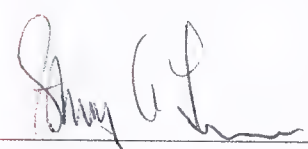
19 **Sec. 95-68 Severability**

20 If any provision, clause, sentence, or paragraph of this
21 ordinance or the application thereof to any person or
22 circumstances shall be held invalid, such invalidity shall not
23 affect the other provisions of this ordinance which can be
given effect without the invalid provision or application, and
to this end the provisions of this article are declared to be
severable.

24 SECTION 3. That this Ordinance shall be in full force
25 and effect thirty (30) days from and after its passage and any
26 and all necessary approval by the Mayor, and its legal
publication thereof.

27 
COUNCILMEMBER

28 APPROVED AS TO FORM
29 AND LEGALITY.

30 
31 Stanley A. Levine
32 Legal Advisor to
Fort Wayne Common Council

Read the first time in full and on motion by Rennie,
and duly adopted, read the second time by title and referred to the
Committee on Regulations (and the City Plan Commission
for recommendation) and Public Hearing to be held after due legal notice, at
the Common Council Conference Room 128, City-County Building, Fort
Wayne,, Indiana, on _____, the _____ day of _____
_____, 19_____, at _____ o'clock
_____, M., E.S.T.

DATED: 2-8-94 Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Rennie,
and duly adopted, placed on its passage. ~~PASSED~~ LOST
by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT
TOTAL VOTES	<u>3</u>	<u>6</u>		
BRADBURY		<u>✓</u>		
EDMONDS		<u>✓</u>		
GiaQUINTA	<u>✓</u>			
HENRY		<u>✓</u>		
LONG		<u>✓</u>		
LUNSEY		<u>✓</u>		
RAVINE	<u>✓</u>			
SCHMIDT	<u>✓</u>			
TALARICO		<u>✓</u>		

DATED: 4-12-94 Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne,
Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL)
(SPECIAL) (ZONING) ORDINANCE RESOLUTION NO. _____
on the _____ day of _____, 19____

ATTEST: (SEAL)
SANDRA E. KENNEDY, CITY CLERK PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on
the _____ day of _____, 19____,
at the hour of _____ o'clock _____, M., E.S.T.

SANDRA E. KENNEDY, CITY CLERK
Approved and signed by me this _____ day of _____,
19____, at the hour of _____ o'clock _____, M., E.S.T.

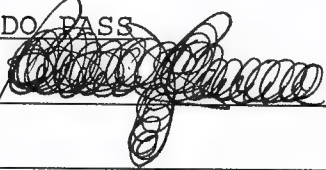
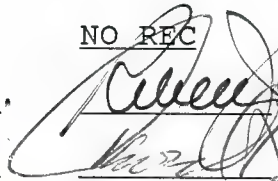

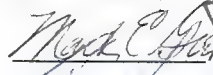




PAUL HELMKE, MAYOR

BILL NO. G-94-02-06 (as amended)

REPORT OF THE COMMITTEE ON
REGULATIONS
REBECCA J. RAVINE - MARK E. GIAQUINTA - CO-CHAIR
DONALD J. SCHMIDT
JANET G. BRADURY

WE, YOUR COMMITTEE ON REGULATIONS TO WHOM WAS
REFERRED AN (ORDINANCE) (~~RESOLUTION~~) OF THE COMMON COUNCIL
OF THE CITY OF FORT WAYNE, INDIANA ELIMIATING SMOKING IN WORKPLACES
AND ENCLOSED PUBLIC PLACES

HAVE HAD SAID (ORDINANCE) (~~RESOLUTION~~) UNDER CONSIDERATION
AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID
(ORDINANCE) (~~RESOLUTION~~)

<u>DO PASS</u>	<u>DO NOT PASS</u>	<u>ABSTAIN</u>	<u>NO REC</u>
			
			
			
			
			
			
			

DATED: 4-12-94.

Sandra E. Kennedy
City Clerk



THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ROOM 122 • FORT WAYNE, INDIANA 46802 • 219-427-1208

SANDRA E. KENNEDY, CITY CLERK

February 15, 1994

Ms. Connie Lambert
Fort Wayne Newspapers, Inc.
600 West Main Street
Fort Wayne, IN 46802

Dear Ms. Lambert:

Please give the attached full coverage on the date of February 18, 1994,
in both the News Sentinel and Journal Gazette.

RE: Legal Notice for Common Council
of Fort Wayne, IN

Bill No. G-94-02-06
Smoking Ordinance

Please send us 3 copies of the Publisher's Affidavit from both
newspapers.

Thank you.

Sincerely yours,

Sandra E. Kennedy
City Clerk

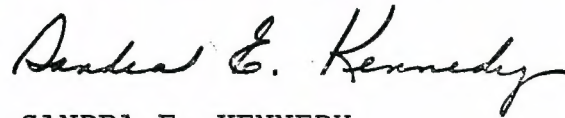
SEK/ne
ENCL: 1

NOTICE OF A PUBLIC HEARING
FORT WAYNE COMMON COUNCIL

YOU ARE HEREBY NOTIFIED THAT THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA WILL HOLD A PUBLIC HEARING ON TUESDAY, MARCH 1, 1994, AT 5:30 O'CLOCK P.M., IN THE COMMON COUNCIL CHAMBERS ROOM 126, CITY-COUNTY BUILDING, ONE MAIN STREET, FORT WAYNE, INDIANA ON THE FOLLOWING ORDINANCE:

BILL NO. G-94-02-06

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA ELIMINATING SMOKING IN WORKPLACES AND ENCLOSED PUBLIC PLACES

A handwritten signature in cursive script, reading "Sandra E. Kennedy".

SANDRA E. KENNEDY
CITY CLERK

FW Common Council

(Governmental Unit)

To:

The Journal-Gazette

Dr.

P.O. Box 100

Fort Wayne, IN

ALLEN

County, Indiana

PUBLISHER'S CLAIM

LINE COUNT

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of type in which the body of the advertisement is set)
-- number of equivalent lines

Head -- number of lines

Body -- number of lines

Tail -- number of lines

Total number of lines in notice

COMPUTATION OF CHARGES

15 lines, 1 columns wide equals 15 equivalent lines
at .33 cents per line

\$ 4.95

Additional charge for notices containing rule or tabular work
(50 percent of above amount)

1.00

Charge for extra proofs of publication (\$1.00 for each proof in excess of two)

5.95

TOTAL AMOUNT OF CLAIM

\$ 5.95

DATA FOR COMPUTING COST

Width of single column 12.5 ems
Number of insertions 1
Size of type 6 point

Pursuant to the provisions and penalties of Chapter 155, Acts 1953,

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Date: FEB 18, 19 94

Title:

Clerk

PUBLISHER'S AFFIDAVIT

State of Indiana)

) ss:

Allen County)

NOTICE OF A PUBLIC HEARING
FORT WAYNE COMMON COUNCIL
You are hereby notified that the Common Council of the City of Fort Wayne, Indiana will hold a public hearing on Tuesday, March 1, 1994, at 5:30 o'clock P.M., in the Common Council Chambers Room 126, City-County Building, One Main Street, Fort Wayne, Indiana on the following ordinance.
Bill No. G-94-02-06
An Ordinance of the Common Council of the City of Fort Wayne, Indiana eliminating smoking in work-places and enclosed public places.
SANDRA E. KENNEDY
CITY CLERK
2-18 #693

Personally appeared before me, a notary public in and for said county and state, the undersigned Cindy Gillenwater who, being duly sworn, says that he/she is Clerk of the The Journal-Gazette newspaper of general circulation printed and published in the English language in the (city) (town) of Fort Wayne, IN in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for 1 time 2/18/94, the dates of publication being as follows:

Subscribed and sworn to before me this 18th day of Feb, 19 94.

Anne M Perkins
ANNE M PERKINS
NOTARY PUBLIC STATE OF INDIANA

My commission expires:

MY COMMISSION EXP. NOV. 29, 1997

FW Common Council
(Governmental Unit)

To:

The News-Sentinel

Dr.

P.O. Box 100

Fort Wayne, IN

ALLEN County, Indiana

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2/18/94

Subscribed and sworn to before me this 18th day of Feb, 19 94.

Notary Public

ANNE M PERKINS
NOTARY PUBLIC STATE OF INDIANA
ALLEN COUNTY

My commission expires:

MY COMMISSION EXP. NOV. 29, 1997

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